

April 5, 1999

DURHAM, NORTH CAROLINA
MONDAY, APRIL 5, 1999
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, Council Member McKissick read a "Resolution Honoring Avery Dimmig."

Mayor Tennyson informed Council that D. Ann Gray, Deputy City Clerk, has earned the Designation of Certified Municipal Clerk.

Mayor Pro Tempore Clement acknowledged the recently held 25th Annual Durham Crop Walk.

Council Member Blyth requested that the following item be added to the agenda:

SUBJECT: RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER PLACING A MORATORIUM ON ANY DEVELOPMENT PROJECTS NOT YET APPROVED

A motion was made by Council Member Blyth to add the following to the agenda - to adopt a Resolution setting a public hear on Monday, April 19, 1999 to consider placing a moratorium on any development projects not yet approved (including rezoning applications, site plan approvals, development plan approvals, subdivisions, grading plans, special use permits, etc.) if they proposed development within (or distrubance of) portions of the site designated for conservation by the proposed Natural Resoruce Protection Ordinance Amendments (one of three sections of a Resource Protection Ordinance Amendments) which includes standars for the protection of Floodplains, Stream Buffers, Steep Slopes, and Wetlands; and to designate such moratorium as a Council-initiated zoning amendment to remain in effect upon approval and continue in effect for 1) a maximum of 6 months unless extended by the City Council's action or 2) until the Resource Protection Amendments are approved by both the City Council and the County Commissioners and implemented by staff - whichever occurs first.

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Council Member Blyth stated that this proposed moratorium does not include development projects that do not currently meet the Tree Protection and the Land Disturbance sections of the Resource Protection Ordinance since those have been sent forward with recommendations by the Zoning Committee and will be acted upon by the elected bodies within a month to six weeks. She noted her proposal does not include any pending projects that do not propose development within sites that are covered by the Resource Protection Ordinance. Also, Council Member Blyth stated this moratorium is in no way a call to stop all growth.

Council Member Miller seconded Council Member Blyth's motion.

Several Council Members spoke in opposition to setting a public hearing to propose a moratorium on an ordinance they had not yet seen.

A substitute motion was made by Council Member Engelhard to add the following matter to the agenda - to set a public hearing on Monday, April 19, 1999 on the Resource Protection Ordinance. This motion was seconded by Council Member Brown.

The administration stated they anticipated bringing the ordinance to council on May 3, 1999.

SUBSTITUTE MOTION TO THE SUBSTITUTE by Council Member Cox seconded by Council Member McKissick to add the following matter to the agenda - to set a public hearing on Monday, June 7, 1999 on the Natural Resource Protection Ordinance **FAILED** at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Cox, Langley and McKissick. Noes: Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Engelhard, Griffin, Jacobs, Larson and Miller. Absent: None.

SUBSTITUTE MOTION by Council Member Engelhard seconded by Council Member Brown to add the following matter to the agenda - to set a public hearing on Monday, April 19, 1999 on the Resource Protection Ordinance **FAILED** at 8:17 p.m. by the following vote: Ayes: Council Members Blyth, Brown, Engelhard, Langley and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cox, Griffin, Jacobs, Larson and McKissick. Absent: None.

MOTION by Council Member Blyth seconded by Council Member Miller to add the following matter to the agenda - A Resolution setting a public hearing on Monday, April 19, 1999 to consider placing a moratorium on any developments not yet approved **FAILED** at 8:17

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p.m. by the following vote: Ayes: Council Members Blyth, Brown, Burnette, Engelhard, Langley and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cox, Griffin, Jacobs, Larson and McKissick. Absent: None.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Ewell recognized Chief Chambers for an update on discussions with the Power Company.

Police Chief Chambers briefed council on the Power Company and a tragic incident that occurred on April 1, 1999.

City Manager Ewell suggested charging an after hour fee in the city's parking garages to allow the city to protect its interest. Mr. Ewell stated he would be bringing forward a recommendation on this matter within two weeks.

There were no priority items from the City Attorney and City Clerk.

Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Council Member Miller requested that Consent Item 14 be pulled [Agreement with the Gartner Group for Preparation of a Strategic Plan for Information Technology Services].

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: UPDATE ON PUBLIC IMPROVEMENT BOND FOR THE SOLID WASTE FACILITY - 1833 CAMDEN AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report on the renovation of the existing Durham Solid Waste Incinerator building, located at 1833 Camden Avenue, into the new administration and operations offices was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth,

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Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: MAYOR'S APPOINTEE TO THE DURHAM AREA TRANSIT AUTHORITY

MOTION by Council Member Larson seconded by Council Member Miller to approve the Mayor's nomination of David Smith to the Durham Area Transit Authority for a term to expire March 1, 2000 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: USE OF DURHAM HOUSING AUTHORITY GRANT FUNDS IN AN AMOUNT UP TO \$70,000 TO PURCHASE EQUIPMENT VITAL TO DAILY POLICE OPERATIONS AND BUDGET ORDINANCE AMENDMENT

MOTION by Council Member Larson seconded by Council Member Miller to authorize the use of Durham Housing Authority Grant Funds in an amount up to \$70,000 to purchase items requested to enhance daily police operations (see attached list); and

To adopt "An Ordinance Amending the 1998-99 City of Durham Budget Ordinance, as Amended, the Same Being Ordinance #11475" was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: REVISION OF GRANT PROJECT ORDINANCE #11594 FOR THE HISPANIC OUTREACH INTERVENTION STRATEGY TEAM (HOIST) SECOND YEAR GRANT AWARD

MOTION by Council Member Larson seconded by Council Member Miller to adopt an "Ordinance Amending Grant Project Ordinance #11594 Concerning City of Durham and North Carolina Department of Crime Control and Public Safety/Governor's Crime Commission Grant Project Ordinance" was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CAPITAL PROJECT ORDINANCES - FIRE STATION #14 AND CITY

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HALL OFFICE SPACE EXPANSION

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Capital Project Ordinance Concerning Fire Station #14 -Northwest"; and

To adopt a "Capital Project Ordinance Concerning City Hall Office Space Expansion" was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CAPITAL PROJECT ORDINANCE - HAZARD MITIGATION GRANT

MOTION by Council Member Larson seconded by Council Member Miller to adopt a grant project ordinance in order to conduct the Hazard Mitigation Grant Project, a project that will acquire and demolish certain flood damaged homes in the City of Durham was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: COMPLETION OF REVITALIZATION ACTIVITIES IN THE EASTWAY HOUSING DEVELOPMENT (NORTHEAST CENTRAL DURHAM) AND ON ESTES STREET (SOUTHWEST CENTRAL DURHAM)

To authorize the sale of the remaining properties in the Eastway Housing Development and on Estes Street, namely: 115 N. Goley Street; 106, 108, 109, 111, and 118 N. Blacknall Street; 1302, 1304, 1308, 1406, 1408, 1504, and 1520 Morning Glory Avenue; and 847, 859, 865, 866 and 870 Estes Street at a sales price that takes into consideration the public purpose restrictions imposed by the City, under the authority of Section 86.1 of the City Charter.

To authorize the payment of a 6% commission of the sales price to a licensed North Carolina Real Estate Broker to market and sell the properties.

MOTION by Council Member Larson seconded by Council Member Miller to refer this item to the administration was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.

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Noes: None. Absent: None.

SUBJECT: AMENDMENT #1 TO LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND GTE SOUTH, INC. FOR PROPERTY LOCATED AT THE SOUTH DURHAM WATER RECLAMATION FACILITY ON FARRINGTON ROAD

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute Amendment #1 to the lease agreement with GTE South, Inc. to extend the lease term for an additional ten years was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PRELIMINARY ALLOCATION OF HOME COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDO) FUNDING TO TRIANGLE RESIDENTIAL OPTIONS FOR SUBSTANCE ABUSERS (TROSA) FOR THE DEVELOPMENT OF TRANSITIONAL HOUSING TO BENEFIT PERSONS AT 60% MEDIAN INCOME OR LESS

MOTION by Council Member Larson seconded by Council Member Miller to allocate up to \$172,600 of Federal HOME CHDO funds to TROSA with up to \$132,450 of these funds to be used for acquisition /construction financing followed by permanent second mortgage financing, and \$44,150 of the funds to be used for an Operating Grant; and

To determine and find that funding for this transitional housing project is not otherwise available, wholly or in part, from public or private lenders upon equivalent or reasonably equivalent terms and conditions was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PRELIMINARY ALLOCATION OF HOME FUNDING TO UNDERWOOD LIMITED LIABILITY CORPORATION AND DEVELOPMENT VENTURES, INC. FOR THE ACQUISITION AND REHABILITATION OF EXISTING RENTAL HOUSING TO BENEFIT PERSONS AT 60% OF MEDIAN INCOME OR LESS

MOTION by Council Member Larson seconded by Council Member Miller

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to allocate up to \$605,000 of Federal HOME funds and HOME match funds to Underwood Limited Liability Corporation (UWLLC), with these funds to be used for acquisition/ construction financing of the Underwood Square Apartment Project followed by permanent second mortgage financing; and

To allocate up to \$195,000 in HOME and HOME match funds to Development Ventures, Inc. (DVI) for the acquisition and rehabilitation of the Markham Apartments Project followed by permanent second mortgage financing; and

To determine and find that funding for these housing rehabilitation projects is not otherwise available, wholly or in part, from public or private lenders upon equivalent or reasonably equivalent terms and conditions was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: 1990 HOUSING BONDS - \$46,750 HOUSING FOR NEW HOPE - PHOENIX HOUSE, FINAL LOAN DOCUMENT

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Permanent/Construction Loan Agreement with Housing for New Hope, Inc. in an amount not to exceed \$46,750, with these funds to be drawn from 1990 Housing Bond funds; to execute related loan closing documents; and to make minor changes to the Construction/Permanent Loan Agreement and other related loan closing documents as are consistent with the loan terms and the 1990 Housing Bond Program requirements approved by City Council; and

To determine and find that mortgage loans for this transitional housing project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CLEANING CONTRACT FOR THE DURHAM BULLS ATHLETIC PARK FOR THE 1999 SEASON - J. A. FARRINGTON JANITORIAL SERVICE

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MOTION by Council Member Larson seconded by Council Member Miller to reject all bids submitted for the 1999 cleaning of the Durham Bulls Athletic Park; and

To approve an extension of the cleaning contract with J. A. Farrington Janitorial Service in the amount of \$3,437 per game beginning April 8, 1999 and extending through the 1999 season at the Durham Bulls Athletic Park, and to authorize the City Manager to execute the contract and make changes that may be necessary, provided they do not change the price, the term, or purpose of the contract was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CIVIC CENTER CATERING AGREEMENT - THE SHANER GROUP

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into an agreement amending the Civic Center Catering Agreement by extending the term of that agreement from March 14, 1999 to March 14, 2004 (coterminous with the Civic Center Management Agreement) was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION HONORING A. PAUL NORBY

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Honoring A. Paul Norby" was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION HONORING KENNETH E. WRIGHT

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Honoring Kenneth E. Wright" was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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SUBJECT: RESOLUTION MEMORIALIZING DR. JOHNNIE BLUNT MCLESTER

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Memorializing Dr. Johnnie Blunt McLester" was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN APPROVAL - DURHAM SLEEP INN

MOTION by Council Member Larson seconded by Council Member Miller to approve a major site plan for "Durham Sleep Inn", submitted by the John R. McAdams Company, Inc., for Centurian Management Company, consisting of a 72 room, 35,636 square foot, four story hotel on a 1.55 acre tract, zoned I-2 (MTC), and located on the north side of New Page Road between Creekstone/Holiday Drive and I-40 (Tax Map 585, Block 02, Parcel 04D) was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STREET CLOSING (SC99-1) RUBY STREET, LEDNUM STREET, BUCHANAN BOULEVARD

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution declaring the intent of the City Council to consider permanently closing a 39,596± square foot portion of Ruby Street, a 19,384± square foot portion of Lednum Street, and a \$10,411± square foot portion of Buchanan Boulevard and setting a public hearing on Monday, April 19, 1999 to consider closing a 39,596± square foot portion of Ruby Street, a 19,384± square foot portion of Lednum Street, and a \$10,411± square foot portion of Buchanan Boulevard was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: VOLUNTARY ANNEXATION PETITIONS - ALDERSGATE CHURCH AND FIELD OF DREAMS

MOTION by Council Member Larson seconded by Council Member Miller

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to receive a report from the Administration concerning the following voluntary annexation petitions:

- a. FY 1999-12 - Aldersgate Church, 13.25 acres contiguous to the City limits, located at the intersection of Bivins and Umstead Roads; and
- b. FY 1999-13 - Field of Dreams, 6.89 acres contiguous to the City limits, located south of Erwin Road and east of Annandale Road, adjacent to Lochнора Subdivision on the west and Duke University Forest on the east; and

To accept the City Clerk's certification of 100% ownership for each of the petitions as required by N. C. General Statutes 160A-31; and

To adopt resolutions setting public hearings on Monday, April 19, 1999 at 7:30 p.m. to consider the annexation of Aldersgate Church property and Field of Dreams was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: LAND ACQUISITION FOR FIRE STATION #14 - UMSTEAD ROAD

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of 2.37 acres of land located on Umstead Road at the intersection of Bivins Road, as shown on Tax Map 822-03-014, land only, property of Grandover, L.L.C., for \$94,800 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION SUPPORTING A FUTURE WATER SYSTEM INTERCONNECTION WITH CHATHAM COUNTY

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution supporting a water system interconnection with Chatham County and authorizing the City Manager to negotiate a Water Purchase Agreement with Chatham County to be approved by City Council at a later date was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes:

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None. Absent: None.

SUBJECT: REPORT ON PAYMENT OPTIONS FOR WATER AND SEWER ASSESSMENTS

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning payment options for water and sewer assessments was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STATUS REPORT ON YEAR 2000 PROJECT

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report from the Administration on the Year 2000 Project was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BID REPORT - MONTH OF JANUARY 1999

MOTION by Council Member Larson seconded by Council Member Miller to approve and record in the minutes bids and items displayed in the attachment which were acted upon by the City Manager during the month of January 1999 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[Note: See Attachment #1 for itemized bid report]

SUBJECT: BID REPORT - MONTH OF FEBRUARY 1999

MOTION by Council Member Larson seconded by Council Member Miller to approve and record in the minutes bids and items displayed in the attachment which were acted upon by the City Manager during the month of February 1999 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes:

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None. Absent: None.

[Note: See Attachment #2 for itemized bid report]

SUBJECT: BIDS - SELF CONTAINED BREATHING APPARATUS, C. W. WILLIAMS & COMPANY

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from C. W. Williams & Company, Inc., in the amount of \$139,400 for furnishing the City with eighty-five (85) self contained breathing apparatus; and

To waive the requirement for a Performance Bond was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CONTRACT EXTENSION - ESTIMATED ANNUAL REQUIREMENT FOR WATER METERS, US FILTER DISTRIBUTION GROUP

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to extend the existing contract with US Filter Distribution Group in the amount of \$148,399.10 for furnishing the City with its estimated annual requirement for water meters; and

To waive the requirement for a Performance Bond was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CONTRACT EXTENSION - GRASS MOWING SERVICES FOR ENVIRONMENTAL RESOURCES, TRIAD TURF MANAGEMENT INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to extend the existing contract with Triad Turf Management Inc. in the amount of \$68,530 for grass mowing services was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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SUBJECT: STOP SIGNS - GREENWAY AT AMERICAN VILLAGE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) McKinley Street at Constitution Drive, northeast corner;
- 2) Vinson Place at McKinley Street, northwest corner;
- 3) Arthur Lane at McKinley Street, northwest corner;
- 4) Sturdivant Road at McKinley Street, northwest corner.

SUBJECT: STOP SIGN - STADIUM DRIVE AT HORTON ROAD

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Stadium Drive at Horton Road, northwest corner was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: TAXICAB DRIVER'S PERMITS

MOTION by Council Member Larson seconded by Council Member Miller to receive a listing from the Taxicab Inspector concerning the issuance of taxicab driver's permits was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

The following persons made application for a new taxicab driver's permit.

NAME	CAB COMPANY
Joseph Miller	Canaday's, Sandi's & J.C.'s
Ameer Mohamed	AZZA
Adil Mohamed	Osman's
Asad Gure	Osman's
Barry A. Burch	Star

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Raghe A. Siad	Safeway
Abdi Hussein	Safeway
John G. Willis	Deluxe
Kenneth Maina	DART
Ike Nwabinwe	DART
Hatim M. Elzubair	Peace
Hal J. Royster, Jr.	Deluxe
Peter N. Kamau	DART
Estellalah Rasheed	D & J
Lisa Newton	Express

The following persons made application for renewal of their taxicab driver's permit.

Barry Morris	B.B.'s
Mitchell Langley	Mickey's
Kwakou Shakur	Harambee
Herbert Johnson	Johnson's
Sinatra Dunn	Lyon's
Lewis Walker	Walker's
Zaheer Bajwa	Bajwa's Roadrunner
Dawud Muhammed	Johnny's
Sirageldin Osman	Safeway

The following persons made late application for renewal of their taxicab driver's permit.

William Lipscomb	McKay's
Abdulraouf Ali	AMA
Nathaniel Holman	Holman's
Olion Henderson	Sandi's
Lila McGhee	REM
Anne Dixon	Star
Thomas Flowers, Jr.	Courtesy

SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN IMPROVEMENTS UNDER THE ENABLING ACT AUTHORITY

MOTION by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, April 19, 1999 to consider ordering the following improvements under the Enabling Act Authority was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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- a. **Sewer Main - North Hoover Road** from Southerland Street to south property line of Tax Map 627-2-9; and
- b. **Sewer Main - Melrose Avenue** from east property line of Tax Map 623-3-2 west to existing outfall.

SUBJECT: Curb, Gutter and Paving, and Water and Sewer laterals - Windcrest Road from Barbee Road to West Property Line of Tax Map 536-5-1 - Setting Public Hearing to Consider Ordering the Improvements

MOTION by Council Member Larson seconded by Council Member Miller to accept a Certificate of Sufficiency from the Manager of Engineering for the following petition, and

To adopt a resolution setting a public hearing on Monday, April 19, 1999 to consider ordering curb, gutter and paving, and water and sewer laterals on Windcrest Road from Barbee Road to west property line of Tax Map 536-5-1 was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SETTING PUBLIC HEARINGS FOR CONFIRMATION OF CERTAIN ASSESSMENT ROLLS

MOTION by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, April 19, 1999 for confirmation of the following assessment rolls was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- a. **Sewer Main - Farrington Road** from south property line of Tax Map 484-2-4 to Chapel Hill Road and **Chapel Hill Road** from Farrington Road to east property line of Tax Map 484-1-2;
- b. **Sewer Main - New Mt. Moriah Road** from Watkins Road Outfall to south property line of Tax Map 483-1-4;
- c. **Sewer Main - New Bern Place** from Woodberry Road to cul-de-sac;
- d. **Sewer Main - Watkins Road** from Chapel Hill Road to north property line of Tax Map 483-1-22;

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- e. **Sewer Main - Ellis Road** from Brooks Road to north property line of Tax Map 564-1-7; and
- f. **Water Main - Riddle Road** from Ellis Road to west property line of Tax Map 566-2-27

SUBJECT: STREET ACCEPTANCE - COLES POND, ROCKY RIDGE, MARBREY LANDING, AND BRIARDALE

MOTION by Council Member Larson seconded by Council Member Miller to accept certain streets as listed below in Coles Pond, Rocky Ridge, Marbrey Landing, and Briardale for maintenance by the City of Durham was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Coles Pond

- 1. East Oak Drive - from the south curbline of Cole Mill Road south thru the cul-de-sac (1,683')
- 2. Webster Court - from the centerline of East Oak Drive east thru the cul-de-sac (143')
- 3. Leathers Court - from the centerline of East Oak Drive west thru the cul-de-sac (202')

Rocky Ridge

- 1. Graceview Way - from the centerline of Myers Park Drive west then northward to the centerline of Myers Park Drive (1,654')
- 2. Bent Pine Court - from the centerline of Graceview Way west thru the cul-de-sac (212')
- 3. North Ridge Place - from the centerline of Graceview Way north thru the cul-de-sac (242')

Marbrey Landing

- 1. North Indiancreek Place - from the centerline of Armitage Drive northeastward thru the cul-de-sac (632')
- 2. South Indiancreek Place - from the centerline of Armitage Drive westward thru the cul-de-sac (475')

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Briardale

1. Briardale Lane - from the end of existing pavement (PH I) westward to the west property line of Lot #70 (existing City Limit Line), (1,263')
2. Bardeck Drive - from the centerline of Briardale Lane north to the end of the road at STA 4 + 55, (455')
3. Pearce Place - from the centerline of Bardeck Drive eastward thru the cul-de-sac (243')
4. Ventoria Road - from the centerline of Briardale Lane north to the end of road at STA 2 + 30, (230')

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the official minutes of the regular February 15, 1999 and March 1, 1999 City Council meetings was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: Water Main - Beck Road from East Geer Street to Beauford Road

Lee Murphy, of the Public Works Department, stated he was in receipt of one objection to the assessment. He recommended that council confirm the assessment roll and continue the public hearing without further advertising and refer the assessment for tax parcel 700-2-16 to the April 22nd Public Works Committee Meeting for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Langley to adopt a resolution confirming the assessment roll for water

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main on Beck Road from East Geer Street to Beauford Road and to refer the tax parcel #700-2-16 to the April 22nd Public Works Committee Meeting for further consideration was approved at 8:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: MINIMUM HOUSING CODE

To receive citizens' comments and concerns regarding the current Minimum Housing Code.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Jacqueline Wagstaff, a resident of 221 N. Briggs Avenue, requested council to support the changes to the minimum housing code. She raised concerns with boarded up houses in Northeast Central Durham.

Luis Alvarenga, representing Casa Multi-Cultural, spoke in support of changes to the minimum housing code.

James Benson, representing the Alma Street Association, noted that the following three items needed to be improved in the code: 1) standards concerning heating; 2) standards concerning electricity; and 3) standards concerning security.

Harrell Chotas, Chair of the Housing Appeals Board, briefed council on the difficult cases dealt with by their board concerning inadequate heating. He asked that a change be made in the housing code to provide guidance for testing at higher temperatures.

Ronnie Sturdivant noted that Durham City Code was pretty adequate to meet the things that people need. He noted the greater concern was crime in the community not being addressed.

Ivan Parra, representing Centro Hispano, noted housing was a critical problem for the hispanic community. Mr. Parra spoke in support of the city hiring more bilingual housing inspectors and specialists.

Mike Shiflett, President of Inter-Neighborhood Council, stated that enforcement and occasional improvements to the minimum housing code were prudent and appropriate. Also, he spoke in support of the Repair Only revision.

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Grace Jones, representing District 2 Partners Against Crime, spoke in support of changes to the minimum housing code.

Lorisa Seibel, representing Campaign for Decent Housing, spoke in support of the Repair Only legislation.

Howard Williams, representing Partners Against Crime, spoke in support of renovation rather than demolition.

Calina Smith spoke in support of changes to the minimum housing code.

At this time a video tape was shown of a residential dwelling in the City of Durham.

Mayor Tennyson closed the public hearing.

Discussion was held by council on the following: 1) Money being available to relocate tenants; and 2) If the minimum housing code required appliances.

Council Member Blyth requested that staff provide a list of owners having boarded up houses as well as the owners of all homes that have known to have failed housing inspections. Also, Council Member Blyth asked the administration to submit recommendations on how to upgrade the minimum housing code.

A motion was made by Council Member Miler to receive the citizens' comments and to ask the administration to provide recommended changes to the minimum housing code standards based on the public comments received this evening. This motion was seconded by Council Member Brown.

Mayor Pro Tempore Clement requested a friendly amendment to the motion "to receive a report from the staff at the April 19th City Council Meeting on the outcome of the April 10th meeting with the legislative delegation regarding the Repair Only legislation."

Council Member Miller accepted the amendment.

Council Member Blyth requested a friendly amendment to the motion "to request the administration to provide information on how the nuisance law may be applied relative to boarded up houses."

Council Member Miller accepted the amendment.

It was suggested that the City Manager give some special attention to this matter during the upcoming budget.

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Council Member Burnette raised concern with having the funds to bring solutions. She asked the administration if there were any federal grants or resources available for landlords to help bring houses up to code.

Kendall Abernathy noted there were no funds available to assist a landlord bring their property up to code because it has been council's direction that the administration not do that. She noted at present the administration would assist existing homeowners repair their homes; they help individuals repair houses to sell to new homeowners; and they assist landlords repair existing rental property when there has been a change of ownership, but they do not help existing landlords repair their property when they have allowed it to get into a deteriorated state and they are still collecting rent.

Council Member Blyth noted that if landlords could not repair their property, they should not be in the property management business and should sell it to someone who can repair it. She stated to suggest subsidizing a business owner with public money would not be appropriate.

MOTION by Council Member Miller seconded by Council Member Brown to receive citizens' comments and concerns regarding the current Minimum Housing Code; and

To refer this item to the staff requesting the administration to provide recommended changes to the minimum housing code standards based on the citizens' comments; and

To request the staff to provide a report at the April 19, 1999 City Council Meeting on the outcome of the April 10th meeting with the legislative delegation regarding the Repair Only Legislation and provide information on how the nuisance law may be applicable in dealing with boarded up houses was approved at 10:08 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P98-61, TRIBEK PROPERTIES, INC.,
SOUTHWEST CORNER OF THE INTERSECTION OF NC 54 AND NC
751**

Case: P98-61 [Public Hearing continued from 3/1/99]
Applicant: Tribek Properties, Inc.

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Location: 1.7 acres on the southwest corner of the intersection of NC 54 and NC 751; identified as Tax Map 428, Block 2, Lots 7 (partial), 8, and 9 (partial)

Request: Rezoning from OI-1 (Transitional Office and Institutional); (F/J-B) to NC(D) (Neighborhood Commercial with a Development Plan); (F/J-B)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-1; (F/J-B) and placing same in and establishing same as NC(D); (F/J-B).

Zoning Committee's Recommendation and Vote: Approval - 4-3

City Manager's Recommendation: Denial

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Attorney Larry Hall, representing the applicant, noted this was the only drugstore project being considered in the area. Attorney Hall stated in their plan that have addressed the concerns of the City Council and staff. He noted the proposal would have a lesser impact on the community regarding traffic and environmental concerns.

Bill Anderson, representing Tribek, briefed the council on how this proposed rezoning addresses the 2020 Plan and the Southwest Durham Plan.

Opponents

Dave Slade, President of Hope Valley Farms Neighborhood, spoke in opposition to this rezoning request. He stated this proposal did not follow either the 2020 Plan or the Southwest Durham Plan. He noted the traffic at the intersection is an F and adding to that will only worsen the situation and the proposed improvements by the applicant are inadequate to improve the traffic flow. Also, he noted the large percent of impervious surface.

Elizabeth Steenbergen spoke in opposition to the proposal. She noted the traffic at the intersection was already a nightmare. Also, she noted that there were four other commercial rezonings coming before the council in the near future in the same area and she felt this area needed a plan.

Betty Mushak, representing the Hope Valley Neighborhood

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Association, spoke in opposition to this rezoning request. Ms. Mushak stated the current proposal will encourage strip commercial development, ignores stated land use patterns for an urban corridor, and fails to provide any meaningful improvement to the area's traffic congestion.

Rebuttal

Attorney Larry Hall noted they have tried to address all the concerns of the residents and those of staff. He noted the road improvements in a timely manner and the minimum impact on the environment have been addressed.

Bill Anderson stated they have addressed the concerns regarding the urban corridor.

Mayor Tennyson closed the public hearing.

A motion was made by Council Member Larson to approve the rezoning request. This motion was seconded by Mayor Pro Tempore Clement.

Council Member McKissick raised concern with the transportation needs in the area.

Council Member Blyth spoke in opposition to the request. She stated the project was not the best and not the most appropriate use for the location.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-1; (F/J-B) and placing same in and establishing same as NC(D); (F/J-B) was approved at 10:40 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Cox, Griffin, Jacobs, Langley and Miller. Noes: Mayor Tennyson and Council Members McKissick, Larson, Brown, Engelhard and Blyth. Absent: None.

[OTHER MATTERS]

SUBJECT: PRELIMINARY PLAT APPROVAL - BLACK MOUNTAIN SUBDIVISION

To approve a preliminary plat for the "Black Mountain Subdivision", a cluster development, submitted by Duane K. Stewart & Associates, consisting of 62 single family lots on a 32.057 acre tract, zoned R-20, and located on the north side of Latta Road,

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west of Roxboro Road and east of Pine Trail Drive (Tax Map 325, Block 01, Parcels 09 and 09B).

Gail Sherron, of the City/County Planning Department, stated this item was for a site plan approval for 62 lots. She noted the applicant has met all the requirements of the subdivision ordinance.

Due to the current traffic on Latta Road; the environmental run-off in Crooked Creek and Eno River; and the potential damage from dynamiting to existing wells and homes, the following citizens spoke in opposition to the proposal: Dewey Davis; Hurley Mulkey; Gloria King; and Louise Hall.

Council Member Larson asked the administration what flexibility did the council have in considering this item given that it meets the technical requirements and the location already has the appropriate zoning.

Gail Sherron, of the City/County Planning, noted the proposal did have the zoning it needed and the applicant was using the cluster provision of the ordinance. She stated the applicant has met all the technical requirements of the ordinance and the item came before DRB and was approved. Ms. Sherron stated the only option the council had was to approve the request because all the requirements are met.

A motion was made by Council Member Larson to approve the preliminary plat for the Black Mountain Subdivision. This motion was seconded by Mayor Pro Tempore Clement.

Attorney Blinder noted that in order for council to have a basis to deny the siteplan the decision would need to be based on determination that the development does not meet technical requirements of the subdivision ordinance.

Council Member Blyth asked if the matter could legally be held and council initiate a new zoning on this property.

Attorney Blinder stated council would need to consider what would be an appropriate zoning for the property not merely in reaction to the development proposal before the body this evening.

Bonnie Estes, of the City/County Planning Department, noted that when the administration speaks about land use decisions by the council they are typically speaking about health, safety and welfare and also environmental suitability of the property that is being developed. Ms. Estes noted if council had concerns along those lines perhaps that would give staff enough direction to go

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back and reconsider the preliminary plat.

Attorney Blinder noted it would be helpful if the council would give some guidance as to what the concerns are if they were inclined to object to the staff's recommendation. Attorney Blinder noted that in the subdivision ordinance the suitability of the land for development is one criteria and includes soil condition.

A substitute motion was made by Council Member Blyth to set a public hearing on Monday, April 19, 1999 to consider the possibility of rezoning this parcel of land in the interest of public health and safety and to request the staff provide technical information on the suitability of the soil and environmental impacts. This motion was seconded by Council Member Engelhard.

A substitute motion to the substitute was made by Council Member Larson to request the staff to take a closer look at the suitability of the soil and determine if the criteria was reviewed thoroughly. This motion was seconded by Council Member Miller.

Council Member Blyth requested a friendly amendment to Council Member Larson's motion - "to instruct staff to include an analysis by individuals who are experts in blasting and if it is determined that it is not feasible to build on this property, staff provide council a zoning classification to be considered."

Council Member Larson noted the intent of his motion included that the staff would obtain technical assistance in making a determination. He noted he could not accept the amendment regarding staff submitting a zoning classification.

Council Member Engelhard requested a friendly amendment to Council Member Larson's motion - "to request the staff to determine if building can take place on the property without blasting."

Council Member Larson stated a determination has already been made that one can build on this property. He suggested it would be more appropriate to ask if blasting is required to build.

SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Miller to refer this matter to the administration to take a closer look at the suitability of the soil and determine if the criteria was reviewed thoroughly and determine if blasting is required was approved at 11:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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At this time Council Member Blyth expressed concern that there were other land uses available but they have not been proposed.

A motion was made by Council Member Blyth to request the manager to provide an analysis and recommendations as to where the council might consider _____ or fine tuning those zoning categories in ways that could allow the council to approve more projects without great concern from the community. This motion was seconded by Council Member Brown.

Council Member Larson noted it would be appropriate to refer Council Member Blyth's concern to the Joint City/County Planning Committee.

Mayor Tennyson ruled the motion out of order. He noted it was not germane to the agenda item.

At this time, Council Member Blyth appealed the decision of the Chair.

City Clerk Bowers announced that the motion failed: Ayes: Council Members Blyth, Brown, Engelhard and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cox, Griffin, Jacobs, Langley, Larson and McKissick. Absent: None.

MOTION by Council Member Blyth seconded by Council Member Engelhard to add to the agenda "Appropriate Zoning Classifications for Land" **FAILED** at 11:39 p.m. by the following vote: Ayes: Council Members Blyth, Brown, Engelhard, Griffin and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Langley, Cox, McKissick, Jacobs and Larson. Absent: None.

SUBJECT: PARTICIPATION IN SPONSORING NORTH CAROLINA GENERAL ASSEMBLY DAY ON MAY 4, 1999

Council Member Blyth stated she did feel this was an appropriate way to spend public money.

MOTION by Council Member Larson seconded by Council Member Griffin to join with the County of Durham and the Chamber of Commerce in sponsoring General Assembly Day in Durham on May 4, 1999 at an estimated cost of \$1,500 was approved at 11:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cox, Griffin, Jacobs, Langley,

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Larson and McKissick. Noes: Council Members Blyth, Brown, Engelhard and Miller. Absent: None.

[SUPPLEMENTAL AGENDA]

SUBJECT: CONTRACT FOR STUDY OF COMMUNITY/HUMAN RELATIONS ACTIVITIES IN LOCAL GOVERNMENTAL AGENCIES

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with the Institute for the Study of Minority Issues in the amount of \$12,000 for a study of community/human relations activities in local governmental agencies was approved at 11:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION TO SET A PUBLIC HEARING ON MONDAY, APRIL 19, 1999 TO CONSIDER AMENDMENTS TO THE TEXT OF THE ZONING ORDINANCE CONCERNING ADULT ENTERTAINMENT USES

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Designating Clarification of Existing Adult Use Ordinance as a Council-Initiated Zoning Amendment and Setting Public Hearing Regarding Such Ordinance" was approved at 11:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[ITEM REMOVED FROM THE CONSENT AGENDA]

SUBJECT: AGREEMENT WITH THE GARTNER GROUP PREPARATION OF A STRATEGIC PLAN FOR INFORMATION TECHNOLOGY SERVICES

Council Member Miller requested that a letter also be sent to the Garner Group stating that the council is concerned with Scope of Services Item 2 regarding the Records Management Office. He also requested that the Garner Group respond in 60 days.

MOTION by Council Member Miller seconded by Council Member Blyth to authorize the City Manager to enter into an agreement at a cost of \$186,000, with up to an additional \$13,000 maximum expenditure for travel expenses, with the Gartner Group to prepare a strategic

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plan for the City of Durham's information technology services for the period including FY 1999-2000 through FY 2003-2004; and

To authorize the City Manager to make changes to the agreement as necessary, provided the changes do not increase the price, change the intent of the agreement, or lessen the Gartner Group's obligations and responsibilities to the City was approved at 11:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 11:44 p.m.

D. Ann Gray, CMC
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk